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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,536	09/05/2003	Lori Greiner	47636.15.1	8775

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Period for Reply

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 12, 2005 & December 23, 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 20-76 and 80-123 is/are pending in the application.
4a) Of the above claim(s) 6, 13-16, 25, 27-60, 66, 73-76, 84-117, 119 and 121-123 is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 20-24, 26, 61-65, 67-72, 80-83, 118 and 120 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 6, 13-16, 25, 27-60, 66, 73-76, 84-117, 199 & 121-123 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 12, 2005.
2. Applicant's election with traverse of the Group I species in the reply filed on December 12, 2006 and in view of the supplemental response filed on December 23, 2005 is acknowledged. The traversal is on the ground(s) that examination of the all the claims would not present an undo burden on the examiner. This is not found persuasive because applicant did not submit evidence or identify such evidence now of record showing the species as being obvious variants or clearly admitting on the record that this is the case. Accordingly, the requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. Claims 1-5, 7-12, 20-24, 26, 61-65, 67-72, 80-83, 118 & 120 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claims 1 & 61, the recitation "doors pivotally coupled to the base" is viewed as being misdescriptive of the elected embodiment since the position is taken that the doors are pivotally coupled to the back wall as readily apparent to the examiner. In

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Claim 1, the phrase “a pole extending from an interior side of a first wall of at least one of the doors” is unclear and confusing as presently worded since it is not clear if the “a first wall” is a new and distinct limitation, or if the recitation is expounding upon the previously recited “each door has a first wall...” limitation. In Claims 7 & 67, the limitation “storage compartment comprises a pair of... pivoting trays” is unclear and confusing as presently put forth since the limitation is based on the preceding limitation of a “storage compartment located underneath the pair of doors”. The confusion arises when the disclosure is reviewed for element identification wherein member (20) is referenced as the “compartment”. As such, it is not clear how the “compartment” can be both the fixed member with dividers, and a pair of pivoting trays. It is noted that the specification refers to the section below the doors as a “bottom section” wherein this section may comprise both the pivoting trays and the storage compartment. Appropriate correction is required. In Claims 8 & 68, the limitation “the other door” is unclear as presently put forth since the limitation is based on the preceding limitation of “at least one of the doors” [claims 1 & 61 e.g.,]. The language would be definite if in the independent claims a recitation of --one door of the pair of doors-- was recited and then followed by the recitation --wherein the other door of the pair of doors has...-- in the claims in question, as just one example. Consequently, the remaining claims are rejected because they are dependent upon an indefinite claim.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “ring holder”

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located in the *storage compartment (20)* must be shown or the feature(s) canceled from the claim(s) [It is noted that the “ring holder” is shown as being in the *tray (18)* – See 112(2) remarks above]. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States

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before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 5, 22, 61-63, 65 & 82 are rejected under 35 U.S.C. 102(b) as being anticipated by Leighty [U.S. Patent No. 1,133,866]. As to claims 1 & 61, Leighty (figures 1-2) teaches of an organizer comprising: a framework (fig. 1) having a base (5) and a back wall (7) extending perpendicularly from the base; a pair of symmetrically arranged doors (each door defined as 15, 16) pivotally coupled to the base via the back wall as best understood by the examiner and in as much as application shows the claimed limitation, wherein each door has a first wall (16) and a second wall (15) perpendicular to the first wall, wherein the doors can be pivoted from a first closed position (fig. 1) to a second open position (fig. 2), wherein in the closed position, the first walls are substantially parallel with the back wall (shown) and each second wall extends between the back wall and a respective first wall so that the organizer has a box shape (shown) and wherein in the second open position, the second walls are substantially parallel with the back wall (shown); and a "pole" (viewed as element 20 so far as broadly recited) extending from an interior side of "a first wall" (in this case (15)) of at least one of the doors. As to claims 2, 3, 62 & 63, a plurality of "poles" (20) extend from an interior side of "a first wall" of at least one of the doors, wherein each of the plurality of "poles" is located at a select height (see fig. 2) along an interior side of the wall. As to claims 5 & 65, the organizer includes a storage compartment (viewed as the compartment defined between the base and the floor surface) located underneath the pair of doors. As to claims 22 & 82, the organizer includes a pivoting lid (17) located above the pair of doors.

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8. Claims 1-3, 5, 12, 24, 61-63, 65 & 72 are rejected under 35 U.S.C. 102(b) as being anticipated by British publication 2,345,630 [known hereafter as GB`630]. As to claims 1 & 61, GB`630 (figures 1-3) teaches of an organizer comprising: a framework (fig. 1) having a base (14) and a back wall (shown in figs. 2-3 for example) extending perpendicularly from the base; a pair of symmetrically arranged doors (20) pivotally coupled to the base via the back wall as best understood by the examiner and in as much as application shows the claimed limitation, wherein each door has a first wall (shown in fig. 1) and a second wall (best shown in fig. 3) perpendicular to the first wall, wherein the doors can be pivoted from a first closed position (fig. 1) to a second open position (fig. 3), wherein in the closed position, the first walls are substantially parallel with the back wall (shown) and each second wall extends between the back wall and a respective first wall so that the organizer has a box shape (shown) and wherein in the second open position, the second walls are substantially parallel with the back wall (shown); and a "pole" (viewed as pole elements above each shelf (26) so far as broadly recited) extending from an interior side of "a first wall" (either wall in this case) of at least one of the doors. As to claims 2, 3, 62 & 63, a plurality of "poles" (see fig. 3) extend from an interior side of "a first wall" of at least one of the doors, wherein each of the plurality of "poles" is located at a select height (see fig. 3) along an interior side of the wall. As to claims 5 & 65, the organizer includes a storage compartment (18) located underneath the pair of doors. As to claims 12 & 72, the organizer includes a ring holder (viewed as any member (22) so far as broadly recited) located in the storage compartment.

9. Claims 1-3, 5, 12, 22-24, 26, 61-63, 65, 72, 82-83, 118 & 120 are rejected under 35 U.S.C. 102(e) as being anticipated by Daetweiler et al., [U.S. Patent No.

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6,857,519]. As to claims 1 & 61, Daetweiler (figures 1-3) teaches of an organizer comprising: a framework (fig. 2) having a base (shown as the bottom wall in fig. 2 for example) and a back wall (shown in fig. 1) extending perpendicularly from the base; a pair of symmetrically arranged doors (140) pivotally coupled to the base via the back wall as best understood by the examiner and in as much as application shows the claimed limitation, wherein each door has a first wall (150) and a second wall (152) perpendicular to the first wall, wherein the doors can be pivoted from a first closed position (fig. 2) to a second open position (fig. 1), wherein in the closed position, the first walls are substantially parallel with the back wall (shown) and each second wall extends between the back wall and a respective first wall so that the organizer has a box shape (shown) and wherein in the second open position, the second walls are substantially parallel with the back wall (shown); and a “pole” (viewed as either 1) element (164 – also note column 4) or 2) one of the pole elements, i.e., earring pole or post (fig. 3) via the panels so far as broadly recited) extending from an interior side of “a first wall” (152 in this case) of at least one of the doors. As to claims 2, 3, 62 & 63, a plurality of “poles” (see fig. 3) extend from an interior side of “a first wall” of at least one of the doors, wherein each of the plurality of “poles” is located at a select height (see fig. 3) along an interior side of the wall. As to claims 5 & 65, the organizer includes a storage compartment (110) located underneath the pair of doors. As to claims 12 & 72, the organizer includes a ring holder (118) located in the storage compartment. As to claims 22, 23, 82 & 83, the organizer includes a pivoting lid (132) above the doors with a mirror (136) disposed on an inner surface of the lid. As to claim 24, the pole may extend perpendicular to the wall (note col. 4 disclosure). As to claims 26, 118 & 120, the pole may be located on an accessory plate (see plates in fig.

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3) that can be slid/removably attached to the interior side of the wall as readily apparent to the examiner.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 & 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leighty in view of Wise [U.S. Patent No. 2,582,812]. Leighty teaches applicant's inventive claimed structure as disclosed above, including a necklace bar (12) affixed to the back wall; but does not show a plurality of hooks on the bar. Wise (figures 1-10) is cited as an evidence reference to show that it was known in the organizer art to incorporate hooks (75) on a necklace bar (73). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of Leighty by incorporating hooks onto the bar as taught by Wise because this arrangement would enhance the versatility of the bar by allowing a more diverse selection of articles to be suspended from the bar.

12. Claims 4 & 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB`630 in view of Wise [U.S. Patent No. 2,582,812]. GB`630 teaches applicant's inventive claimed structure as disclosed above, including shelves (26) and posts or bars (fig. 3) affixed to the back wall; but does not show a plurality of hooks on the post/bar. Wise (figures 1-10) is cited as an evidence reference to show that it was known in the organizer art to incorporate hooks (75) on a necklace bar (73). As such,

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the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of GB`630 by incorporating hooks onto the post/bar as taught by Wise because this arrangement would enhance the versatility of the post/bar by allowing a more diverse selection of articles to be suspended from the bar.

13. Claims 4 & 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daetweiler in view of Wise [U.S. Patent No. 2,582,812]. Daetweiler teaches applicant's inventive claimed structure as disclosed above, including hooks (124) affixed to the back wall; but does not show a plurality of hooks on a bar. Wise (figures 1-10) is cited as an evidence reference to show that it was known in the organizer art to incorporate hooks (75) on a necklace bar (73). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of Daetweiler by incorporating hooks onto a bar as taught by Wise because this arrangement would enhance the versatility of the organizer since the bar with hooks would allow a more diverse selection of articles to be suspended from the rear wall as opposed to just hooks alone.

14. Claims 7 & 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB`630 in view of Lewis [U.S. Patent No. 1,600,830]. GB`630 teaches applicant's inventive claimed structure as disclosed above, including a plurality of drawers/trays (22) in the storage compartment; but does not show the drawers/trays as being pivotally arranged. Lewis (figures 1-3) is cited as an evidence reference to show that it was known in the organizer art to employ pivoting drawers/trays (28, 29 for example). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of GB`630

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by allowing the drawers/trays to pivot [as opposed to a linear motion] as taught by Lewis because this arrangement would enhance the viewing capacity of the storage compartment by permitting articles housed immediately below the first tier of drawers/trays to be simultaneously viewed along with the articles housed in the first tier when the first tier is pivoted out of the organizer.

15. Claims 7 & 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daetweiler in view of Lewis [U.S. Patent No. 1,600,830]. Daetweiler teaches applicant's inventive claimed structure as disclosed above, including a plurality of drawers/trays (114, 112) in the storage compartment; but does not show the drawers/trays as being pivotally arranged. Lewis (figures 1-3) is cited as an evidence reference to show that it was known in the organizer art to employ pivoting drawers/trays (28, 29 for example). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of Daetweiler by allowing the drawers/trays to pivot [as opposed to a linear motion] as taught by Lewis because this arrangement would enhance the viewing capacity of the storage compartment by permitting articles housed immediately below the first tier of drawers/trays to be simultaneously viewed along with the articles housed in the first tier when the first tier is pivoted out of the organizer.

16. Claims 9-11, 20, 21, 69-71, 80 & 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB'630 in view of Kuddes [U.S. Patent No. 2,739,697]. GB'630 teaches applicant's inventive claimed structure as disclosed above; but does not show removable dividers within the storage compartment or show internal surfaces lined with an anti-tarnish cloth. However, Kuddes (figures 1-7) is cited as an evidence reference to show that it was known in the organizer art to removable

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divider/partitions (17, 18, 25 for example) within a storage compartment (fig. 1) and to line the inside of the organizer with anti-tarnish cloth (col. 2). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of GB`630 by lining internal surfaces with an anti-tarnish cloth and to incorporate removable dividers as taught by Kuddes because this arrangement would provide GB`630 with a means to prevent tarnish from accumulating on items stored within the storage compartment {drawers}, while the dividers would enhance the versatility of the storage compartment {drawers} by providing a means to allow for the subdivision of the compartments volume, wherein smaller spaces could be created to house small articles or spaces could be created to separate articles according to size, type etc. As to claims 20 & 80, Kuddes further teaches of a ring holder (see fig. 1) that is located in a tray. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of GB`630 by utilizing a ring holder within the tray {drawers} as taught by Kuddes because this arrangement would provide an additional support structure that can accommodate specific types of articles depending upon the desired preferences of the user.

17. Claims 9-11, 20, 21, 69-71, 80 & 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daetweiler et al., in view of Kuddes [U.S. Patent No. 2,739,697]. Daetweiler teaches applicant's inventive claimed structure as disclosed above; but does not show removable dividers within the storage compartment or show internal surfaces lined with an anti-tarnish cloth. However, Kuddes (figures 1-7) is cited as an evidence reference to show that it was known in the organizer art to removable divider/partitions (17, 18, 25 for example) within a storage compartment

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(fig. 1) and to line the inside of the organizer with anti-tarnish cloth (col. 2). As such, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of Daetweiler by lining internal surfaces with an anti-tarnish cloth and to incorporate removable dividers as taught by Kuddes because this arrangement would provide Daetweiler with a means to prevent tarnish from accumulating on items stored within the storage compartment {drawers}, while the dividers would enhance the versatility of the storage compartment {drawers} by providing a means to allow for the subdivision of the compartments volume, wherein smaller spaces could be created to house small articles or spaces could be created to separate articles according to size, type etc. As to claims 20 & 80, Kuddes further teaches of a ring holder (see fig. 1) that is located in a tray. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the organizer of Daetweiler by utilizing a ring holder within the tray {drawers} as taught by Kuddes because this arrangement would provide an additional support structure that can accommodate specific types of articles depending upon the desired preferences of the user.

Allowable Subject Matter

18. Claims 8 & 68 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

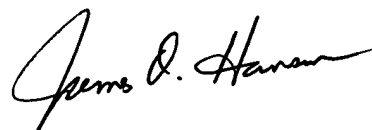
Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Church, Winter, Ko and Norton describe organizers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637